SINGLE BENCH (8)

CF-1001

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W . P. (S) NO. 1204 / 2007

Petitioner : Ramlal, Aged about 59 Years, S/o Shri Kartik working as Gangman, in permanent gang, Office of S.D.O. Public Works Department, Sub Division Bemetara, Dist : Durg-(C.G.) R/o Ddolia, Charbhata, Post – Jhal, Bemetara, Dist :m Durg-(C.G.)

P.R. No. 1459/07 Presented by Rakesh Anthony dated 26/2/07

Versus

Respondents : 1) State of Chhattisgarh Through-The Secretary Public Works Department, Mantralaya, D.K.S. Bhawan, Raipur-(C.G.)

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2) Engineer-In-Chief, Public Works Department, Near 'Raj Bhawan', Dist : Raipur-(C.G.)

3) Superintending Engineer, Public Works Department, Raipur Division, Dist : Raipur-(C.G.)

OATH COMMISSIONER APARNA MALVIYA CG30/2005 18/04/07 Bilaspur Chhattisgarh

4) Executive Engineer, Public Works Department, Tehsil & Division Bemetara, Dist : Durg-(C.G.)

(6)

5) The Sub Divisional Officer,
Sub Division Bemetara, Tehsil
– Bemetara, Dist : Durg-(C.G.)

WRIT PETITION UNDER ARTICE 226 OF THE CONSTITUTION OF INDIA

(98)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 1204 of 2007

Petitioner : Ramlal

Versus

Respondents : State of Chhattisgarh and others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Present: Mr. Rakesh Anthony, Advocate for the petitioner.
Mrs. Anju Ahuja, Deputy Government Advocate for the State/respondents.

O R D E R

(Passed on this 1st Day of March, 2007)

1. By this petition, learned counsel appearing for the petitioner submits that the petitioner was employed in the year 1977 as permanent Gangman, who has worked about 30 years as Gangman seeks a relief that the petitioner being permanent gangman be retired at the age of 62 years in accordance with the Chhattisgarh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967 (for short 'the Act, 1967') read with Fundamental Rule (for short 'F.R.')56.

2. According to learned counsel for the petitioner, the petitioner attained the status of permanent employee, as defined under Rule 2(c) of the Chhattisgarh (Workcharged and Contingency Paid Employees) Pension Rules, 1979 (for short 'the Rules, 1979'), framed under Article 309 of the Constitution of India. After having attained the status of the permanent employee the petitioner would retire on attainting the age of 62 years on superannuation under the provisions of the Act, 1967.

(46)

3. Learned counsel appearing for the petitioner would submit that the case of the petitioner is squarely covered by the decision of this Court passed on 4th January, 2007 in W.P. No. 108/2005 (Govind Vs. State of Chhattisgarh & others) and other connected matters.

4. Learned counsel appearing for the respondents/State does not dispute the submissions made by learned counsel for the petitioner.

5. Accordingly, the petitioner, who is permanent gangman, is entitled to retire on attaining the age of 62 years in accordance with the Act, 1967. The petition is accordingly allowed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash